

## Code of Practice on Freedom of Speech

The following Code of Practice on Freedom of Speech was approved by the Oxford SU Trustee Board on [18/07/2024]. It supersedes [Oxford SU Freedom of Speech Policy](#) and any other policy set previously by the trustee board on freedom of speech.

### 1. Introduction

1.1 This Code of Practice sets out Oxford SU's values and expectations relating to freedom of speech and academic freedom and how these values and expectations are applied to its activities.

1.2 Freedom of speech means the freedom, within the law, to receive and impart ideas, opinions or information by means of speech, writing or images (including in electronic form).

1.3 References in this Code of Practice to "Oxford SU premises" mean all land, buildings, facilities, and other property in the possession of, or owned, leased, used, supervised, controlled or occupied by Oxford SU, including space used temporarily by Oxford SU for an SU event.

1.4 The University of Oxford and its constituent colleges, societies, and private halls each have their own duty to secure freedom of speech within the law and have their own Codes of Practice on this topic.

1.5 This code has primacy over any policy decided on per section 14 of the Oxford SU by-laws by Council, Referenda, or Executive previously or in the future.

### 2. Legislative framework

2.1 The legal duty of UK universities to protect free speech and academic freedom is enshrined in the Higher Education and Research Act 2017, as amended by the Higher Education (Freedom of Speech) Act 2023 (the "Act"). Freedom of speech is also protected under Article 10 of the European Convention on Human Rights which has effect in the UK through the Human Rights Act 1998. Academic freedom is also protected under the Education Reform Act 1988.

2.2 Part A5 of the Act states that:

(1) A students' union for students at a registered higher education provider that is eligible for financial support must take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take in order to achieve the objective in subsection (2).

(2) That objective is securing freedom of speech within the law for—

(a) members<sup>1</sup> of the students' union,

(b) students<sup>2</sup> of the provider,

(c) staff of the students' union,

---

<sup>1</sup> A "member of the students' union" has the same meaning given to it in article 6.3 in the Articles of Association of Oxford SU.

<sup>2</sup> A "student" has the same meaning given to it in article 50 in the Articles of Association of Oxford SU.

(d) staff and members of the provider and of its constituent institutions, and

(e) visiting speakers<sup>3</sup>.

(3) The objective in subsection (2) includes securing that—

(a) the use of any premises occupied by the students' union is not denied to any individual or body on grounds specified in subsection (4),

(b) the terms on which such premises are provided are not to any extent based on such grounds, and

(c) affiliation to the students' union is not denied to any student society on grounds specified in subsection (4)(b).

(4) The grounds referred to in subsection (3)(a) and (b) are—

(a) in relation to an individual, their ideas or opinions;

(b) in relation to a society or other body, its policy or objectives or the ideas or opinions of any of its members.

2.3 Part A5 (5) further requires the students' union to bear the cost of security relating to the use of the premises by any individual or body in all but exceptional circumstances.

2.4 Part A6 of the Act states further that the students' union must maintain a code of practice setting out certain matters related to freedom of speech, which are addressed in this document.

### **3. Values**

3.1 Oxford SU is committed to its charitable objective of providing social, cultural, and recreational activities and forums for discussions and debate for the personal development of Students. This includes supporting its members to run events which deliver on this objective.

3.2 Oxford SU has an organisational commitment to freedom of speech within the law, which is a central tenets of student life and must be robustly protected.

3.3 Oxford SU is committed to fostering an inclusive and diverse environment that encourages open dialogue, critical thinking, and the free exchange of ideas.

3.4 Oxford SU believes freedom of speech should be exercised responsibly, respecting the rights and dignity of others, and within the boundaries of the law.

3.5 Peaceful protest is a protected form of expression; however, protest should not be allowed to shut down debate or infringe the rights of others.

3.6 Freedom of expression should not be abused for the purpose of unchallenged hatred or bigotry.

3.7 Oxford SU should always aim to encourage balanced and respectful debate.

---

<sup>3</sup> A "visiting speaker" means a person who has been invited to speak at an Oxford SU event by a member, student or Oxford SU staff member acting with authorization in their capacity as a member, student or SU staff member.

3.8 In conjunction with the University, Oxford SU has a duty to consider the need to eliminate discrimination, harassment, victimisation, and other behaviour that is prohibited by the Equality Act 2010.

3.9 It also has a duty to advance equal opportunities between people who share a relevant protected characteristic and people who do not and encourage good relations between people who share a relevant protected characteristic and people who do not, including the need to tackle prejudice and promote understanding.

3.10 It also has a duty to think about how it can promote equality and minimise tension and prejudice between different groups on campus - and even where it facilitates events and debate, must consider the potential impact on students who may feel vilified or marginalised by the views expressed.

3.11 Oxford SU will manage and support events in such a way as to ensure that they do not interfere with or deprive other people of their rights. Speech or literature that aims to make the lives of a particular group intolerable will not be protected.

3.12 In all its activities, the Oxford SU seeks to:

- (1) secure and promote civic and academic freedoms including freedom of speech;
- (2) ensure a very high level of protection for the lawful expression of a viewpoint and for speech in an academic context; and
- (3) foster a culture of openness and inclusion, in which members of our community engage with each other, and the public, in debate and discussion, and remain open to both intellectual challenge and change.

3.13 Inevitably, this will mean that students are confronted with views that some find unsettling, extreme or offensive. The University believes that a culture of free, open and robust discussion can be achieved only if all concerned engage critically but courteously with each other.

3.14 Within the bounds prescribed by law, all voices or views which any member of our community considers relevant should be given the chance of a hearing. Wherever possible, they should also be exposed to evidence, questioning and argument. As an integral part of this commitment to freedom of expression, we will take steps to ensure that all such exchanges happen peacefully and respectfully. With appropriate regulation of the time, place and manner of events, members of our community should have no reasonable grounds to feel intimidated or censored.

3.15 The bounds for expression of views must reflect the requirements of law, including the requirement that some of the following areas of criminal (and civil and other law) may require that freedom of speech is restricted in some circumstances, including:

- a) Racially or religiously aggravated offences;
- b) threats to kill;
- c) endeavours to break up a public meeting;
- d) fear or provocation of violence;
- e) intentional harassment, alarm or distress;

- f) acts intended or likely to stir up hatred on the grounds of age, disability, marriage and civil partnership, race, religion or belief, sex, sexual orientation, or gender reassignment;
- g) encouraging or assisting the commission of an offence;
- h) incitement to commit acts of terrorism overseas;
- i) inviting or encouraging support for proscribed organisation;
- j) encouragement of terrorism including the glorification of the commission or preparation of terrorism;
- k) dissemination of terrorist publications;
- l) encouragement of terrorism and dissemination of terrorist publications through the internet; and
- m) the expression of views and opinions in a manner which amounts to harassment, discrimination or defamation.

#### **4. Conduct**

4.1 The SU is committed to fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all members of our community are respected. In accordance with the terms of our [Harassment Policy and Procedure](#), the Oxford SU does not tolerate any form of harassment or victimisation and expects all staff and student members of the students' union, its visitors and contractors to treat each other with respect, courtesy and consideration.

4.2 Peaceful protest is a legitimate expression of freedom of speech. However, such protest must not shut down debate. The respect which the University expects all members of the University community to demonstrate towards each other is particularly important where it comprises respect for the right of others to speak freely and exercise their academic freedom.

4.3 Complaints about the behaviour of individuals should be made under the appropriate procedure:

(a) Complaints involving Oxford SU officers and staff members should be made under the SU's [Complaints Procedure](#);

(b) Complaints about students that does not involve SU staff should be made to

1) the University under its [Policy and Procedure on Harassment](#) or under Statute XI and the Non-Academic Disciplinary Procedure if it arose in the University context (ie in the course of University activity or on University premises); or

2) the appropriate college under its relevant Policy and Procedure on Harassment or Non-Academic Disciplinary Procedure if it arose in a college context (ie in the course of college activity or on college premises)

(c) Complaints about others should be made to the Oxford SU's Chief Executive Officer.

4.4 All activity must be risk assessed and planned in accordance with the 'University statement of health and safety policy' or the Oxford SU's equivalent, under the discretion of the Chief Executive Officer or their delegate as appropriate.

4.5 All students can contact Oxford SU Student Advice ([advice@oxfordsu.ox.ac.uk](mailto:advice@oxfordsu.ox.ac.uk)) for professional and confidential advice and support throughout any complain procedure.

## **5. Procedures**

5.1 The Act requires that this Code of Practice sets out procedures to be followed in connection with the organisation of meetings and other activities at premises occupied by the students' union.

5.2 The SU ensures that its activity, events, campaigns, statements, media organisations, policies and procedures reflect its duties to ensure, so far as is reasonably practicable and having particular regard to their importance, freedom of speech and academic freedom within the law. This Code of Practice must be complied by in all these activities but all these organisations, including but not limited to student groups such as the Oxford SU liberation campaigns or the Oxford Student.

5.3 This Code of Practice therefore applies to the Oxford SU's procedures to be followed by staff and students (including the SU's Campaigns) when organising any activities that relate to the SU's operations, whether those activities take place on or off SU occupied premises, including activities relating to: admission, appointment, reappointment, employment and promotion of staff, disciplinary matters, equality, diversity and inclusion, harassment and bullying, IT, social media, Prevent duty, principles of curricular design, academic integrity in research, speaker events, staff and student codes of conduct.

5.4 In making any decision under any of these procedures or otherwise, or adopting any policy that could directly or indirectly (and positively or negatively) affect freedom of speech, Oxford SU will take into account:

- (a) the importance of academic freedom (as required eg by the Education Reform Act 1988 and the Act);
- (b) the need to take reasonably practicable steps, having particular regard to the importance of freedom of speech, to ensure that freedom of speech within the law (including academic freedom) is secured (as required eg by the Act);
- (c) the rights and freedoms enshrined in the European Convention on Human Rights and incorporated into domestic law by the Human Rights Act 1998;
- (d) the Public Sector Equality Duty which requires universities to have due regard to the need to eliminate unlawful discrimination, promote equality of opportunity, and foster good relations between different groups; and
- (e) the Counter-Terrorism and Security Act 2015 which requires universities to 'have due regard to the need to prevent people from being drawn into terrorism' (section 26 (1)) and which also provides that 'when carrying out the duty imposed by section 26 (1)', universities 'must have particular regard to the duty to ensure freedom of speech; and to the importance of academic freedom.'

5.5 A breach of this Code may lead to disciplinary action being taken under the appropriate SU procedure (including staff disciplinary procedures for staff).

5.6 Complaints that the Oxford SU has breached its duties in relation to freedom of speech under the Act may be raised by any of the individuals listed in section 2.2(2) and 2.3 above. Complaints may also be brought by a person who was formerly within one of those categories, where their complaint relates to events which occurred while they had that status and which impacted them in that capacity. The appropriate procedure for raising such complaints is as follows:

(a) complaints by members of staff which are related to other complaints and/or form part of an existing complaint, and/or fall under the scope of another staff procedure, should be raised within the procedure associated with those other complaints (eg the grievance or Harassment or disciplinary procedure);

(b) complaints by students which are related to other complaints and/or form part of an existing complaint, should be raised within the procedure associated with those other complaints (eg the Student Complaints Procedure or the Harassment Procedure etc, as appropriate with the direction in section 4.3 above);

(c) other complaints should be raised under the University's Freedom of Speech Complaints Procedure.

On receipt of any such complaint, the receiving department will consider the most appropriate procedure to be followed, in consultation with relevant colleagues and the complainant and in some cases they may refer the matter to be considered under a different more appropriate procedure.

5.7 The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from members, students, staff, applicants for academic posts and (actual or invited) visiting speakers. Information about the complaints that the OfS can review is available on its website.

## **6. Oxford SU Meetings and Events**

6.1 Through the implementation of this Code, the SU takes reasonably practicable steps to ensure that freedom of speech within the law is secured within its community and that the use of its premises and services is not inappropriately denied to any of the persons listed in section 2.2(2) and 2.3 above on any ground connected with their beliefs or views or the policy or objectives of a body of which they are a member. The SU acts in a risk-based and proportionate manner and will always aim to allow an event organised by its staff members or volunteers with appropriate authorization to go ahead, provided that it is within the law and does not pose unacceptable risks to individuals and will work with the organisers towards this goal. Cancellation of events is undesirable and should be exceptional.

6.2 Staff members or volunteers of the SU who are organising meetings or events (including those that take place online) or are responsible for administering external bookings of SU occupied premises are responsible for assessing those meetings and events in the context of this Code and other SU policies, and in particular the [Oxford SU External Speakers Procedure](#).

6.3 In exceptional circumstances, it may be reasonable to refuse permission for an SU meeting or event where the SU reasonably believes (from the nature of the speakers or from similar activities in the past whether held at the SU or otherwise) that:

- (a) the views likely to be expressed by any speaker are contrary to the law;
- (b) the intention of any speaker is likely to be to incite breaches of the law or to intend breaches of the peace to occur;
- (c) the meeting is likely to include the expression of viewpoints that are reasonably believed to be highly controversial and/or offensive and the organisers will not permit contrary or opposing viewpoints to be held or expressed;
- (d) the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose, including organisations listed on the government's list of proscribed terrorist groups or organisations; or
- (e) it is in the interest of public safety, the prevention of disorder or crime, that the meeting does not take place.

6.4 The lawful expression of controversial or unpopular views will not in itself constitute reasonable grounds for withholding permission for a SU-affiliated meeting or event organised as per section 6.2.

6.5 Where there are concerns that the meeting or event:

- (a) may give rise to an environment in which people will experience, or could reasonably fear, discrimination, harassment, intimidation, verbal abuse or violence, particularly (but not exclusively) on account of their age, disability, gender reassignment, marriage or civil partnership, pregnancy, maternity, race, religion or belief, sex or sexual orientation;
- (b) is likely to pose a risk to the safety of those lawfully on SU occupied premises; or that it may prompt a risk to public safety; and
- (c) the meeting is held on University premises

the procedure outlined in sections 6.3-6.13 of the University's Code of Practice on Freedom of Speech should be followed.

6.6 Where the Union believes, after assessment, that any risk mitigation activity is required to enable an event with an external speaker to proceed, it will not usually seek to recover any costs of these from affiliated student groups and campaigns. It may choose to do so from organisations not affiliated with the students' union, for example private hire clients, if not doing so is ultra vires under charity law.

6.7 The Union acknowledges that its membership is predominantly comprised of adults over the age of 18 who choose to freely to participate in Union and University activities. Most events will therefore be targeted at this demographic group. The Union reserves the right to impose age restrictions for members' guests and visitors for some events with external speakers if appropriate.

## **7. Responsibilities**

7.1 The Oxford SU leadership, namely the Board of Trustees, Sabbatical Officers and Chief Executive Officer, shall:

- (a) Ensure that all members of the Oxford SU community are aware of their rights and responsibilities regarding freedom of speech and this Code of Practice.
- (b) Promote a culture of free expression that fosters open dialogue and debate, in accordance with this Code and other applicable policies.
- (c) Provide training and guidance to moderators, staff, campaigns and event organisers to enable them to comply with this Code.

7.2 Event Organisers, namely staff members and student volunteers (as defined in the [Volunteer Agreement](#)) who have received appropriate authorization to organise an SU affiliated event

- (a) shall be responsible for creating an atmosphere where free expression can thrive while promoting a culture of respect and civility.
- (b) shall not discriminate against any individual or group based on their views, beliefs, or identity.

7.3 Participants

- (a) All participants in SU-related activities and events shall be free to exercise the freedom of speech in accordance with this Code, responsibly and respectfully.
- (b) Hate speech, discrimination and other matters which are harmful and not permitted by law will not be tolerated within the Oxford SU community.
- (c) Disruptive conduct that harasses, impedes the free expression of others or disrupts the event (such that the free speech of others may be compromised) may be subject to appropriate action, including removal of a participant from an event by hosts, or from a forum by moderators, pending further investigation.

## **8. Education and Awareness:**

8.1 The Students' Union will strive to provide educational resources and promote awareness campaigns to empower members with the knowledge and skills to engage in respectful and constructive dialogue and provide the information required to book events and speakers on campus.

8.2 Training sessions on freedom of speech, inclusivity, and responsible expression will be made available to members and event organizers where possible.

## **9. Monitoring and review**

9.1 This policy will be subject to periodic review to assess its effectiveness and relevance, ensuring ongoing compliance with our legal obligations and the values of the Students' Union.

9.2 Amendments may be made to this policy in response to changes in legislation, societal expectations, or the specific needs of the University community and the Students' Union's membership



9.3 The Students' Union will review and update this policy regularly to ensure its continued alignment with legal requirements and the evolving needs of the University community and its own Union membership.

9.4 Decision making powers in relation to this code ultimately rest solely with the Oxford SU's Board of Trustees, which will assess any changes and make any judgement from a risk balancing perspective. The board may delegate responsibility in executing and interpreting this code to any of its sub-committees or to the Chief Executive Officer.

\*\*\* On July 26, the new government announced its decision to halt the implementation of the remaining provisions of the Higher Education (Freedom of Speech) Act 2023, in order to further consider its stance on these issues.

Following this announcement, and with consideration of the University of Oxford's position, the Oxford Students' Union maintains its Freedom of Speech policy detailed above. Any next steps provided by the government in the coming months will be reviewed and adjusted to accordingly.